

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

	6716		3630		1849
APPLICATIONS	<u>15197</u>	PERMITS	<u>9821</u>	LICENSES	<u>5677</u>

**ORDER APPROVING PETITIONS FOR CHANGE**

**WHEREAS:**

1. The City of Redding (City) acquired Licenses 1849 and 5677 in 1994; whereupon the City filed petitions to change the point of diversion, place of use and purpose of use for both licenses. The City sought approval to divert the water using the City's existing pump on the Sacramento River to use the water under these licenses within the City's municipal boundaries, for municipal purpose of use.
2. Notice of these petitions was provided on April 8, 1994. The U.S. Bureau of Reclamation filed protests to the Change Petitions.
3. A field investigation was conducted on August 30, 1995 pursuant to Section 760 of Title 23, California Code of Regulations.
4. On April 25, 1997, the Division of Water Rights issued a staff analysis which recommends that the proposed changes be conditionally approved.
5. On May 27, 1997 the U.S. Bureau of Reclamation commented in writing on the staff analysis and requested measurements and other documentation of the flow in Olney Creek during the irrigation season and reporting on the water diverted at the new point of diversion.

**NOW, THEREFORE, IT IS ORDERED THAT:**

The Change Petitions for Licenses 1849 and 5677 are approved, subject to existing license conditions and the following additional conditions:

1. The total quantity of water diverted under Licenses 1849 and 5677, shall not exceed 265 acre-feet.
2. The source under the licenses shall be changed as follows:  
Sacramento River tributary to Suisun Bay.
3. The purpose of use under the licenses shall be changed as follows:  
Municipal and industrial

4. The points of diversion under the licenses shall be changed as follows:

Sacramento River South 57° 01' West 4,834.94 feet from the  $\frac{1}{4}$  corner of Sections 25 and 26, within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 26, T32N, R5W, MDB&M.

5. The place of use under the licenses shall be changed as follows:

City of Redding Service Area, being within T30N, R31N, T32N, and T33N; R4W, and R5W, MDB&M, as shown on map on file with the State Water Resources Control Board (SWRCB).

6. The existing continuing authority condition in License 5677 shall be amended to reflect the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a): Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

7. The water diverted under this license shall be used only within the county or watershed of origin of the water. This license does not authorize the holder to divert any water that the U.S. Bureau of Reclamation collected to storage in reservoirs located upstream of the licensee's point of diversion prior to the authorized diversion season under this license.

(0360900)

8. The total amount of water that can be diverted under License 1849 and License 5677 is dependent on the continuation of leakage from the Anderson-Cottonwood Irrigation District canal at its intersection with Olney Creek in an amount that equals or exceeds 0.69 cubic feet per second (cfs). If the leakage into Olney Creek during the authorized diversion season is less than 0.69 cfs, the total amount diverted under Licenses 1849 and 5677 shall be reduced to equal the leakage into Olney Creek. (0360900)
9. The priority of License 1849 (Application 6716) of the City of Redding shall be junior to the priority of License 5151 (Application 14450) of Harry Daniel. (0000112)
10. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no water shall be diverted pursuant to this Order until licensee has either: (1) installed adequate fish screens on Pump Station #1; or, (2) obtained the written opinion of (a) Department of Fish and Game (DFG) or (b) National Marine Fisheries Service (NMFS) that fish screens are not necessary at this location. The licensee shall obtain written concurrence from either DFG or NMFS that any fish screens proposed to be installed pursuant to option (1) are adequate, prior to installation of the fish screens. The licensee shall provide a copy of all correspondence with DFG and/or NMFS regarding the fish screens to the Chief, Division of Water Rights within 15 days after it is received by the licensee. Construction, operation, and maintenance costs of any required facility are the responsibility of the licensee. (0000063)
11. Licensee shall install and maintain a staff gage at the Girvan Road Bridge crossing of Olney Creek, satisfactory to the SWRCB, to measure the rate of water flow in Olney Creek. Licensee shall provide to the SWRCB a rating curve for the staff gage sufficient to determine the actual streamflow. Licensee shall record the staff gage reading on or about March 1 and July 1 of each year. If the flow in Olney Creek exceeds 3 cubic feet per second (cfs), no additional measurements are required during that calendar year. If the flow in Olney Creek is between 1 and 3 cfs, bi-monthly flow measurements shall be made to document that the flow exceeds 1 cfs. Whenever the flow is less than 1 cfs, monthly measurements shall be made. The licensee shall limit diversions from the Sacramento River to the quantity which is documented as available in Olney Creek, not to exceed the authorized rate of diversion under Licenses 1849 and 5677.
12. Licensee shall provide to the SWRCB meter and accounting records showing the quantity of water diverted and the rate of diversion under these licenses. License shall submit such records to the SWRCB with the Progress Report By Licensee, or within 30 days of a request by the SWRCB.

Dated: JULY 15 1997

  
Edward C. Anton, Chief  
701 Division of Water Rights

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 6716

PERMIT 3630

LICENSE 1849

ORDER ALLOWING CORRECTION OF DESCRIPTION OF  
POINT OF DIVERSION AND CHANGE IN PLACE OF USE

WHEREAS License 1849 was issued to J. J. and Mary Vokal and was filed with the County Recorder of Shasta County on April 20, 1938, and

WHEREAS said license was subsequently assigned to Stanley E. and Wanda S. Buchanan, and

WHEREAS the State Water Rights Board has found that the correction of description of point of diversion and change in place of use under said license for which petitions were submitted on May 8, 1963, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said changes in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of point of diversion under said License 1849 to read as follows, to wit:

SOUTH FORTY-TWO DEGREES THIRTY MINUTES EAST (S42° 30'E) THREE THOUSAND THREE HUNDRED (3300) FEET FROM NORTH CORNER OF SECTION 27 OF RANCHO SAN BUENAVENTURA, KNOWN AS P. B. READING GRANT; BEING WITHIN SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF PROJECTED SECTION 24, T31N, R5W, MDB&M, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said License 1849 to a place of use described as follows, to wit:

3

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 6716

PERMIT 3630

LICENSE 1849

68.3 ACRES WITHIN NE $\frac{1}{4}$  AND SE $\frac{1}{4}$  OF SECTION 27, P. B. READING GRANT,  
AND BEING WITHIN PROJECTED SECTIONS 19 AND 30, T31N, R4W, MDB&M  
AND PROJECTED SECTIONS 24 AND 25, T31N, R5W, MDB&M, AS SHOWN ON  
MAP FILED WITH STATE WATER RIGHTS BOARD.

WITNESS my hand and the seal of the State Water Rights Board of the  
State of California this 6 th day of June, 1963

*L. K. Hill*  
L. K. Hill  
Executive Officer





STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

## License for Diversion and Use of Water

LICENSE 1849

PERMIT 3630

APPLICATION 6716

THIS IS TO CERTIFY, That **J. J. and Mary Vohal of Redding, California,** Notice of Assignment (Over)

by WA made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Olney Creek in Shasta County**

tributary of **Sacramento River**

for the purpose of **domestic and irrigation uses** under Permit **3630** of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from

**June 30, 1930;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **eleven hundredths (0.11)**

cubic feet per second from about March 1st to about November 1st of each season. In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted at a greater rate in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located South thirty-eight degrees forty-five minutes East (S. 38° 45' E.) thirty-five hundred eighty (3580) feet from the corner common to Sections 23, 24, 27 and 28 of Rancho Buena Ventura, P. B. Reading Grant, and being within Section 27 of said Grant in said Rancho and being also within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Projected Section 24, T. 31 N., R. 5 W., M.D.B. & M.

A description of the lands or the place where such water is put to beneficial use is as follows:

**25 acres within Section 27 of Rancho Buena Ventura, P. B. Reading Grant and being also**

1.0 acre within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Projected Section 24, T. 31 N., R. 5 W., M.D.B. & M.	
9.0 acres " " NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of " " 25, " " "	
5.5 " " " SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of " " 19, " " R 4 W, "	
9.5 " " " NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of " " 20, " " "	
<b>25.0 acres - Total</b>	

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 23rd  
day of March, 1938.

EDWARD HYATT  
State Engineer

*Edward Hyatt*



11/3/43 RECEIVED NOTICE OF ASSIGNMENT TO Michael  
and Lillian Kaplan

3/8/45 RECEIVED NOTICE OF ASSIGNMENT TO J. G. & Ophelia Boston

3/29/63 RECEIVED NOTICE OF ASSIGNMENT TO Stanley E. &  
Wanda S. Buchanan;

1/31/94 Not of asgd: App#6716 Lic# 1849  
City of Redding

LICENSE 1849

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO J. J. and Mary Vokal

DATED March 23, 1938

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2